IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

ATTY.'S DOCKET: ZLOTNICK=2

In re Application of:	) Art Unit: 2624
	)
Aviad ZLOTNICK	) Examiner: Gregory M. Desire
	)
Appln. No.: 09/902,733	) Washington, D.C.
	)
Date Filed: July 12, 2001	) Confirmation No: 9520
	)
For: IMPROVING EFFICIENCY AND	) February 8, 2007
SPEED IN VERIFICATION OF	)
RECOGNITION RESULTS	)

REPLY BRIEF

Customer Service Window
Randolph Building, Mail Stop **APPEAL BRIEF**
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Examiner's Answer, dated December 11, 2006, Appellant respectfully submits the following remarks.

The issues at hand in this appeal boil down, in large measure, to the question of how far an Examiner can stretch the meaning of a claim term and still fall within the "broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art," as mandated by MPEP 2111. Appellant respectfully submits that the Examiner has stretched the meanings of the

claim terms beyond what the person of ordinary skill could possibly have understood. As the Examiner was evidently unable to find prior art falling within the ordinary meanings of the claim terms, he instead attempted to "adjust" the meanings of the terms to fit the art that he could find. There is no provision in MPEP, however, that permits the Examiner to be his own lexicographer.

The first issue is the meaning of the phrase "multiple redundant instances of an on-screen control," in **independent claims 1, 12 and 23**. The Examiner argued in his Answer (page 10, lines 9-10) that "if the appellant wanted to give the claims a specific meaning it should be explicit in the claims." In fact, Appellant did just that: The term "redundant" did not appear in the claims as filed, but rather was added by Appellant in an amendment filed August 31, 2005, in order to distinguish over the cited art (Yeager et al., U.S. Patent 5,950,190). As used in the technological arts, the term "redundant" refers to an element that duplicates a function performed by another element and therefore is not needed for normal performance of the function. Examples include a redundant disk in a storage system, or a redundant communication link between network nodes. A redundant control on screen performs the same function as is already performed by another control. The multiple "DONE" controls in Figs. 2A

and 2B of the present patent application, for example, all interchangeably perform exactly the same function on all of the data.

In his Response to Argument (page 10, lines 5-9, in the Answer), the Examiner has apparently taken the position that redundant means "excessive": Yeager's "building parameter button 52, pull down list and input fields for each column is excessive. Also, six mathematical operators of the pull down list are redundant/excessive." The terms "excessive" and "redundant," however, have distinct meanings. Furthermore, the Examiner gives no rationale at all as to why the number of buttons, lists, fields or operators presented by Yeager might be considered "excessive." Yeager has presented no more of each of these elements than are actually required for his purposes. Eliminating one of the mathematical operators, for example, would preclude the user of Yeager's system from applying that operator to the field in question. Eliminating one of the pull-down lists would preclude the user from applying any sort of operation to the field, and so forth. Yeager may present many elements on screen, but they are neither excessive nor redundant. Therefore, claims 1, 12 and 23 are patentable over Yeager.

Dependent claims 5, 16 and 27 recite specifically the type of redundancy that is shown in Figs. 2A and 2B of the

present patent application – <u>multiple redundant instances of a</u>
<u>control, in proximity to different fields, all indicating that</u>
<u>the operator has finished processing the data in the plurality</u>
<u>of the fields</u>. The benefit of placing the redundant instances
in this manner, in terms of enhanced operator productivity, is
explained in the application (page 3, lines 23-25). Here
there is no question that, to paraphrase the Examiner's
argument quoted above, "the appellant wanted to give the
claims a specific meaning," and made this meaning "explicit in
the claims."

There is nothing in Yeager that is even remotely
suggestive of claims 5, 16 and 27. In his Answer, the
Examiner maintained (page 11, lines 9-10) that Yeager's "save
button, update button, add button, done button" fit the
limitations of claims 5, 16 and 27. These buttons, however,
all have different meanings and cannot be considered
redundant, or even "excessive." Even if they were somehow to
be considered redundant, they are all concentrated, in the
conventional way, on one side of the screen. Yeager makes no
suggestion of placing them in proximity to different data
fields, as required by the present claims. Therefore, claims
5, 16 and 27 are independently patentable over Yeager.

Dependent claims 2, 13 and 24 recite that any of the
multiple redundant instances of the control may be actuated by

the operator to indicate that data presented to the operator in a plurality of fields on the computer display have been verified. In maintaining his rejection of these claims, the Examiner again took liberties with the claim language. Claim 2 recites "receiving an input from the operator to indicate that the data are verified." Yeager neither teaches nor suggests <u>data verification by an operator</u>.

Rather, to fit this claim element to Yeager, the Examiner had to break it in two (page 10, lines 15-18, in the Answer): "User-inputting entries into search fields" corresponds to "receiving an input," whereas "to indicate that the data are verified" is "the result of the execution of the query." In other words, the data are "verified" not by the user's input, as required by claims 2, 13 and 24, but rather by the computer's execution of the query. The Examiner has given no reason why execution of a query by a computer should be considered verification (let alone verification by an operator), other than an arbitrary desire to stretch the claim language so that it will fit Yeager. Thus, claims 2, 13 and 24 are also independently patentable.

For the foregoing reasons, Appellant reiterates that the Examiner's rejection of claims 1-3, 5-14, 16-25 and 27-33 was erroneous. Reversal of his decision is respectfully requested.

Appellant further notes that a request for an oral

hearing has been filed concurrently with this response.

Respectfully submitted,

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